

Appendix Z

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

**ADDENDUM NO. 1
TO
CEASE AND DESIST ORDER NO. 96-31
FOR
THE CITY OF ESCONDIDO**

The California Regional Water Quality Control Board, San Diego Region (hereinafter Regional Board) finds that:

1. On June 13, 1996 this Regional Board adopted Cease and Desist Order (CDO) No. 96-31. CDO No. 96-31 ordered the City of Escondido (City) to terminate any and all discharges to Escondido Creek and its tributaries and required the City to implement measures to prevent such discharges by November 11, 2002. As set forth in the Findings of CDO No. 96-31, which are incorporated into this Order by reference, the City's discharges to Escondido Creek violated Prohibition A.1 and Provision D.2 in Order No. 94-104, NPDES No. CA0107981.
2. On October 31, 2002, 11 days prior to the deadline, the City informed the Regional Board by letter that they would not be able to meet the November 11, 2002 completion date set forth in CDO No. 96-31. The letter, however, stated that the improvements to the Hale Avenue Resource Recovery Facility are almost complete. The City also reported that the recycled water treatment and distribution systems are almost complete and the nutrient diversion facility should be completed by March 15, 2003. The City requested an extension of the final compliance date to June 16, 2003.
3. The City's delay in complying with CDO No. 96-31 is not a result of negligence on their behalf. The City has proceeded with due diligence and has been in compliance with CDO No. 96-31. Thus, an extension of the final compliance date to June 16, 2003 is reasonable.
4. This addendum is exempt from the requirement of preparation of environmental documents under the California Environmental Quality Act [Public Resources Code, Division 13, Chapter 3, Section 21000 *et seq.*] in accordance with Section 13389 of the California Water Code.
5. The Regional Board has notified the City and all known interested parties of its intent to amend CDO No. 96-31.
6. The Regional Board in a public meeting has heard and considered all comments pertaining to the terms and conditions of this addendum.


IT IS HEREBY ORDERED, that

1. The last sentence of Directive No. 2 of Cease and Desist Order No. 96-31 shall be replaced with the following:

"The City shall complete implementation of measures to terminate all unauthorized discharges to Escondido Creek and tributaries thereto by **June 16, 2003.**"

2. The City of Escondido shall submit a final report to the Regional Board by July 1, 2003 indicating the status of compliance with CDO No. 96-31. The report shall include a description and chronology of all steps taken to comply with CDO No. 96-31.
3. This Addendum becomes effective on the date of adoption by the Regional Board.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true and correct copy of an Addendum adopted by the California Regional Water Quality Control Board, San Diego Region, on February 5, 2003.


JOHN H. ROBERTUS
Executive Officer